

To: Findley, Timothy@DOC[Timothy.Findley@conservation.ca.gov]
Cc: Reeves, Bruce@DOC[Bruce.Reeves@conservation.ca.gov]; Turner, Justin@DOC[Justin.Turner@conservation.ca.gov]
From: Engelman, Alexa
Sent: Fri 10/16/2015 12:12:32 AM
Subject: RE: CBD-Sierra Club v. DOGGR - order overruling demurrers

Thanks Tim, that would be fine. It's always a good opportunity to be able to meet in person when possible, so glad to hear Bruce and Justin will be attending.

See you both tomorrow, I can also find a conference room on the our ORC floor at 11:30am if Bruce and Justin you'd prefer to just have brief discussion after the joint agency meeting is over.

Best,

Alexa

From: Findley, Timothy@DOC [mailto:Timothy.Findley@conservation.ca.gov]
Sent: Thursday, October 15, 2015 5:04 PM
To: Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>
Cc: Reeves, Bruce@DOC <Bruce.Reeves@conservation.ca.gov>; Turner, Justin@DOC <Justin.Turner@conservation.ca.gov>
Subject: RE: CBD-Sierra Club v. DOGGR - order overruling demurrers

Alexa,

Bruce and Justin are going to be in San Francisco tomorrow for a meeting with US EPA folks. They would like to discuss this with you briefly then, if that works for you.

-Tim

From: Engelman, Alexa [mailto:ENGELMAN.ALEXA@EPA.GOV]
Sent: Thursday, October 15, 2015 4:29 PM
To: Findley, Timothy@DOC <Timothy.Findley@conservation.ca.gov>

Subject: RE: CBD-Sierra Club v. DOGGR - order overruling demurrers

Tim:

I just wanted to follow up and understand a bit more about this ruling and possible implications.

Would you be comfortable if I followed up with Baine at the AG's office directly about this matter? I wanted to check with you first.

Best,

Alexa

From: Findley, Timothy@DOC [<mailto:Timothy.Findley@conservation.ca.gov>]
Sent: Wednesday, October 07, 2015 3:59 PM
To: Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Moffatt, Brett <Moffatt.Brett@epa.gov>
Cc: Reeves, Bruce@DOC <Bruce.Reeves@conservation.ca.gov>; Turner, Justin@DOC <Justin.Turner@conservation.ca.gov>
Subject: CBD-Sierra Club v. DOGGR - order overruling demurrers

Alexa and Brett,

Attached is the court's order overruling the Department's demurrer to petitioners' second cause of action. This came as a surprise, after a detailed tentative ruling that was poised to sustain our demurrer.

I think it may be noteworthy, from US EPA's perspective, that, in its order, this California court appears to be interpreting the Memorandum of Agreement for California's Class II UIC Program as a source of legal duties that the general public may enforce against DOGGR by writ of

mandate. This is contrary to what the Department argued in its briefs, and at odds with the court's tentative ruling (also attached, for reference).

-Tim

Timothy D. Findley

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